



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 14, 1995

Ms. Emily E. Helm
Director of Legal Services
Texas Youth Commission
P.O. Box 4260
Austin, Texas 78765

OR95-1230

Dear Ms. Helm:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36424.

The Texas Youth Commission (the "commission") has received a request for various records relating to the termination of a particular employee. You have released most of the requested records. You have submitted two documents for our review and claim that the records are confidential pursuant to section 552.101 of the Government Code in conjunction with various statutory confidentiality provisions.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You have raised section 51.14(b) of the Family Code.¹ Section 51.14(b) provides:

¹You claim that the records are confidential pursuant to section 58.005 of the Family Code. The Seventy-fourth Legislature, in House Bill 327, has significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code. *See* Act of May 27, 1995, ch. 262, §§ 53, 100, 105, 1995 Tex. Sess. Law Serv. 2517, 2549, 2590 (Vernon). We note, however, that most of the provisions of House Bill 327, including section 58.005, become effective January 1, 1996. *Id.* § 105, 1995 Tex. Sess. Law Serv. at 2590-91 (Vernon). We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for this type of information that are made on or after January 1, 1996.

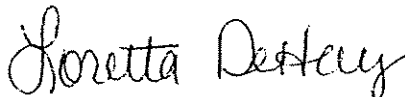
All files and records of a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court are open to inspection only by:

- (1) the professional staff or consultants of the agency or institutions;
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child;
- (4) with leave of the juvenile court, any other person, agency, or institution having legitimate interest in the work of the agency or institution; or
- (5) the Texas Department of Corrections, the Department of Public Safety, and Texas Juvenile Probation Commission, for the purpose of maintaining statistical records of recidivism, and for diagnosis and classification.

It is not apparent that any of the provisions allowing inspection of the records apply to the requestor. Accordingly, you must withhold the requested records pursuant to section 51.14(b) of the Family Code.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

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²Because we conclude that you must withhold the requested records under section 51.14(b) of the Family Code, we do not address your arguments that other confidentiality provisions prohibit disclosure of the records.

Ref.: ID# 36424

Enclosures: Submitted documents

cc: Mr. Harold Fort
Route 7, Box 905-m
Gainesville, Texas 76240
(w/o enclosures)